

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EQUITY RESIDENTIAL MANAGEMENT,
LLC,

Plaintiff,

v.

LILLIE PARKER, et al.,
Defendants.

Case No. [16-cv-02304-EMC](#)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; REMANDING
CASE TO STATE COURT**

Docket Nos. 3-5, 7

On March 1, 2016, Plaintiff Equity Residential Management, LLC filed the instant unlawful detainer action against Defendants Lillie Parker, Vernest Parker, and Jamaal Parker. Docket No. 1 (Not. of Removal) at 5-11. On April 27, 2016, Defendants removed the action to federal court, asserting federal question jurisdiction. Defendants also filed motions to proceed *in forma pauperis*. Docket Nos. 3-5.

On May 3, 2016, Judge James issued her report and recommendation, recommending that the Court remand the case to state court for lack of jurisdiction. Docket No. 7 (R&R). Specifically, Judge James found that there was no federal question jurisdiction because the complaint asserted only one state law claim for unlawful detainer. *Id.* at 2. Judge James also concluded that there was no diversity jurisdiction because the defendants appear to be citizens of the state in which the plaintiff originally brought the action, *i.e.*, California. *Id.* at 2-3; *see also* 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of jurisdiction under section 1332(a) of this title [*i.e.*, diversity jurisdiction] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought”). Furthermore, the amount in controversy was not met because the damages claim is for

1 under \$10,000, well under the jurisdictional requirement of \$75,000. *Id.* at 3; *see also* Cal. Civ.
2 Proc. § 86(a)(4) (stating that an unlawful detainer is a limited civil action where the “whole
3 amount of damages claimed” must be “twenty-five thousand (\$25,000) or less”).

4 The R&R was served on Defendants by mail that same day. *See* Docket No. 7-1. The
5 Court has not since received any objection to the R&R from Defendants. *See* Fed. R. Civ. P.
6 72(b)(2) (providing that “[w]ithin 14 days after being served with a copy of the recommended
7 disposition, a party may serve and file specific written objections to the proposed findings and
8 recommendation.”). Plaintiff has filed a statement of non-opposition to the R&R. Docket No. 10.

9 The Court has reviewed Judge James’s report and recommendation; finds it correct, well-
10 reasoned, and thorough, and therefore adopts it in every respect. Hence, the Court now **ADOPTS**
11 Judge James’s well-reasoned report and recommendation, and **REMANDS** the instant case to the
12 Superior Court of Alameda County. Defendants’ motions to proceed *in forma pauperis* are
13 **DENIED** as moot. The Clerk of the Court is instructed to close the case.

14 This order disposes of Docket Nos. 3-5 and 7.

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16 **IT IS SO ORDERED.**

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18 Dated: May 24, 2016

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21 EDWARD M. CHEN
22 United States District Judge
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